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Paper 27
REDECLARED 10 September 2010

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,754 (RT)

COMMONWEALTH SCIENTIFIC AND
INDUSTRIAL RESEARCH ORGANISATION
and Bayer BioScience N.V.
(11/364,183),
Junior Party,

v.

CARNEGIE INSTITUTION OF WASHINGTON
and the University of Massachusetts
(6,506,559, 7,538,095 & 7,622,633),
Senior Party.

REDECLARATION
Bd.R. 203(c)
adding a patent

By RICHARD TORCZON, *Administrative Patent Judge*.

A. REDECLARATION OF INTERFERENCE

The interference is redeclared pursuant to 35 U.S.C. 135(a) to add the 7,538,095 patent of the senior party, Carnegie. Details of the patent and claims designated as corresponding to the count appear under headings E and F.

B. DESIGNATION TO MANAGE

No change.

C. STANDING ORDER

No change.

D. REMEDY FOR CARNEGIE

If Carnegie disagrees with the addition of the 095 patent, it seek authorization to file a motion with the clarified version of its proposed motion 4 that it will file by **14 September 2010**. Designation of the claims as not corresponding to the count will likely be deferred unless Carnegie explains why it should be addressed in the initial motions phase.

E. ADDED PATENT

Senior Party

Patent: 7,538,095, granted 26 May 2009

Title: Genetic inhibition by double-stranded RNA

Inventors: Andrew Fire of Baltimore, Maryland; Stephen Kostas of Chicago, Illinois; Mary Montgomery of St. Paul, Minnesota; Lisa Timmons of Lawrence, Kansas; SiQun Xu of Ballwin, Missouri; Hiroaki Tabara of Shizuoka, Japan; Samuel E. Driver of Providence, Rhode Island; and Craig C. Mello of Shrewsbury, Massachusetts

F. COUNTS AND CLAIMS OF THE PARTIES

Count 1

No change in the count.

The 095 claims corresponding to Count 1: 1, 3, 6, 8, 11 and 13.

The benefit accorded for Count 1: For Carnegie, add 10/282,996, filed 30 October 2002.

G. HEADING TO BE USED ON PAPERS

The heading is revised as shown on page 1 of this redeclaration. The revised heading should be used on all subsequent papers.

cc:

Todd R. Walters and Christopher L. North, BUCHANAN INGERSOLL & ROONEY PC, of Alexandria, Virginia, for junior party.

Paul N. Kokulis and Todd B. Buck, MORGAN, LEWIS & BOCKIUS LLP, Washington, D.C., for senior party.